

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, AUGUST 5, 2003 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, AUGUST 5, 2003 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCE TO BE INTRODUCED:

ITEM-330: Dedicating Mid-City Athletic Area for a Public Park.

(Southeastern Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-14)

Introduction of an Ordinance amending San Diego Ordinance O-18766 (February 22, 2000) setting aside and dedicating City-owned land, known as "Mid-City Athletic Area" in the City of San Diego, California, for a public park.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with Charter Section 55 and Council Policy 700-17, Policy on Dedication And Designation of Park Lands, the land described as Mid-City Athletic Area was set aside and dedicated in perpetuity for park and recreational purposes by City Council action on February 22, 2000 (O-18766). Shortly thereafter, it was brought to the attention of the Park and Recreation Department that neither the legal descriptions, nor the parcel maps accurately depict the Mid-City Athletic Area the City Council intended to dedicate. Consequently, several City-owned parcels, as well as other privately-owned parcels, outside the Mid-City Athletic Area boundary were erroneously included in the dedication. Not only were portions of the lands dedicated not City-owned or capable of being dedicated, others were dedicated inconsistent with established uses.

Due to the erroneous legal descriptions attached to the original dedicating ordinance, the City Council dedicated property that they did not intend to dedicate. Exhibit B contains the legal description of the parcels which was attached to the original Request for Council Action for dedication; Exhibit C portrays the parcel maps for the Mid-City Athletic Area which were attached to the original Request for Council Action for dedication; Exhibit A shows the corresponding parcels described in the legal description, labeled Exhibit B which were, subsequently, dedicated as public park land. These Exhibits clearly demonstrate that the City Council unintentionally dedicated public and private property beyond the Mid-City Athletic Area.

Therefore, due to the obvious errors in the legal description attached to the original Request for Council Action for dedication of the Mid-City Athletic Area, the Park and Recreation Department is requesting that Ordinance O-18766 be amended, and replaced with a new ordinance which correctly identifies the Mid-City Athletic Area for dedication as a public park pursuant to the corrected legal description.

FISCAL IMPACT:

None. This action only addresses the dedication of City-owned land as public park

Herring/Oppenheim/AP

ADOPTION AGENDA, HEARINGS

NOTICED HEARING:

ITEM-331: Central Police Facility.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Rezone, Site Development Permit and Public Right-of-Way Vacations for the relocation of the Canine/Swat Facility and construction of the Central Police Vehicle Maintenance Facility on a 16.8 acre site. The Rezone includes a 6.0 acre portion of the site which will be rezoned from RS-1-7 to OR-1-1. The Public Right-of-Way Vacations of unimproved streets include a portion of A Street, Ash Street, 40th Street, 41st Street and Alleys in Block 33, and the Alley in Block 35, all within Marilou Park, Map No. 517; and a portion of Federal Boulevard that was previously relinquished by the State of California in 1957. The site is located at 4002-4008 Federal Boulevard in the RS-1-7, RM-1-1

(CPA-8321/RZ-10683/SDP-8318/Public R-O-W Vacations-7233/
MND-4955/MMRP/PTS No. 4955. City Heights Neighborhood of Mid-City
Communities Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A, B, and D; adopt the resolution in subitem E to grant the permit; and introduce the ordinance in subitem C:

Subitem-A: (R-2004-161)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration, Project No. 4955, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Site Development Permit No. 8318 for the Central Police Facility;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-162)

Adoption of a Resolution certifying that the amendments to the Mid-City Communities Plan No. 8321, and the Progress Guide and General Plan are adopted and a copy of the amendments is on file in the office of the City Clerk.

Subitem-C: (O-2004-13)

Introduction of an Ordinance of the Council of the City of San Diego changing 6.0 acres, located at a portion of 4008 Federal Boulevard, in the Mid-City Communities Plan Area, in the City of San Diego, California, from the RS-1-7 Zone (Previously referred to as the R1-5000 zone) to the OR-1-1 zone, as defined by San Diego Municipal Code Section 131.0204; and repealing Ordinance No. 35 N.S. (New Series), adopted October 13, 1932, of the ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2004-163)

Adoption of a Resolution certifying that the street vacation, as more particularly shown on Drawing No. 00080-C and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution with exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-E: (R-2004-)

Adoption of a Resolution granting or denying Site Development Permit No. 8318, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on July 24, 2003, voted 6 - 0 on two motions: (was opposition)

- 1) Recommend non-certification of Mitigated Negative Declaration No. 4955.
- 2) Recommend denial of the project based on the above Item 1.

The commissioners agreed that if the Commission could recommend certification of the environmental document, then the Commission would have also recommended approval of the project. A memorandum will be submitted to the City Council from Staff, which includes recommended conditions of approval from the Planning Commission.

Ayes: Lettieri, Schultz, Brown, Chase, Steele, Ontai
Absent: Garcia

The City Heights Area Planning Committee has recommended approval of this project.

SUPPORTING INFORMATION:

This is a request for a Community Plan Amendment and Progress Guide and General Plan Amendment, a Rezone, Public Right-of-Way Vacations and a Site Development Permit to relocate and construct a new Canine/SWAT Police Facility and to construct a new Police Vehicle Maintenance Facility at the corner of Home Avenue and Federal Boulevard. The existing Canine and SWAT facilities would be removed from the western portion and relocated to the eastern portion of the site. The facility would include a 6,500 square foot one-story office building, an approximately 40,000 square-foot training field, 6,000 square feet of kennel space and 66 surface parking spaces. The facility would be designed to support the same type of activities which are occurring at the present location. For the existing location of the Canine and Swat facility at the west portion on the site, a new Central Police Vehicle Maintenance Facility is proposed. The facility would include a 35,580 square foot, two-story structure containing administrative offices, storage space, a repair and body shop, and a oil lubrication site. The facility will also include a fuel station, vehicle wash bay and a 113-space surface parking lot. Service activities would include preventive maintenance, repairs and body shop operations including painting. The Police Pistol Range has deed restrictions for its use whereby ceasing of the current use as a police pistol range would allow the property to revert back to the heirs of the previous owners who donated the site. No changes are proposed for the structures or uses that comprise the pistol range.

Community Planning Group Recommendation: On May 6, 2002, the City Heights Area Planning Committee voted 15-0-1 to recommend approval of this project with conditions. Conditions include that a facility conference room be made available for use by the community; that the architecture enhance the facility's river rock aesthetics; that landscaping blend with the surrounding conditions; that parking on the southeastern portion of the site be developed during the last phase of construction; and that historical designation be pursued for the pistol range facility.

Planning Commission Recommendation: The proposed project is scheduled for a Planning Commission recommendation hearing on July 24, 2003. The resulting recommendation will be forwarded to the City Clerk's Office through an addendum to the 1472 report.

Fiscal Impact Statement: The total project cost is \$9,550,000 including design, project administration, environmental mitigation and construction and is available in Fund 30244, CIP 36-063. The budget is included in the Library Financing Plan and the appropriation includes \$7,800,000 in prior years and \$1,750,000 in Fiscal Year 2004.

Traffic Impact Statement: The project is estimated to generate 548 average daily trips (ADT). The freeway segments nearby the project location are State Route 94 and Interstate 805 which are expected to increase 273 trips and 164 trips, respectively. There are no improvements planned by Caltrans in these segments. The project is also expected to increase 219 daily trips on Home Avenue and 548 trips on Federal Boulevard. The project impact on the surrounding arterial streets is minimal. However, the project will improve Federal Boulevard within the site frontage to comply with the City's Standards of a two lane collector street.

Water Quality Impact Statement: The project proposes approximately 198 parking spaces and the creation of new impervious surfaces may result in potential water quality impacts to Chollas Creek, an already impaired water body. The proposed project is required to implement Best Management Practices (BMPs) in compliance with the City's Stormwater Regulations. As a result, the project would be designed to utilize appropriate post construction BMPs to ensure that runoff and storm flows being diverted to inlets are treated on site before being directed to the existing storm drain system along Federal Boulevard. In addition, BMPs are required during construction to reduce potential water quality impacts. The project would have certified and approved engineering drawings that identify appropriate pre and post construction BMPs to ensure compliance with the City's Stormwater Regulations.

Ewell/Christiansen/JCT

LEGAL DESCRIPTION:

The proposed project site is located at the northeast corner of the Home Avenue/Federal Boulevard intersection currently occupied by the Police Department K-9/SWAT facility within the City Heights neighborhood of the Mid-City Communities Planning Area and is more particularly described as portions of the west half of Lot 20, Horton's Purchase of Ex-Mission Lands, Map No. 283; Lots 1-9, Block 35 of Marilou Park, Map 517; portions of Blocks 40 and 41, Marilou Park, Map 517; Lots 15, 16 and 24-38, Block 32, Marilou Park, Map 517.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:

ITEM-332: Inviting Bids and Award of Contract for Central Police Facility Project.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-129)

Approving the plans and specifications for the construction of the Central Police Facility (Project);

Authorizing the City Manager, after advertising for proposals in accordance with law, to establish contract funding phases, and to award the Project contract to Sundt Construction, Inc., Southern California (Sundt) as the Design Build Entity whose proposal is judged as providing best value meeting the interests of the City and meeting the objectives of the Project, in an amount not to exceed \$8,220,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer, and Sundt satisfies all conditions precedent to award;

Authorizing the expenditure of an amount not to exceed \$6,898,100 from Central Police Garage, CIP-36-063.0, for Phase 1 of the Design-Build Contract, and \$1,321,900 from Central Police Garage, CIP-36-063.0, for Phase 2 of the Design-Build Contract, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

In September of 2000, a facility program was completed for the Central Police Garage, located at 12th and "K" Streets that identified several deficiencies in the current facility, including a shortage of maintenance bays and overcrowded parking. Consequently, the City Council added the Central Police Garage Relocation Project, to the Capital Improvement Program, to address these deficiencies, therefore requiring a larger site and to allow the New Main Library to be located on the 12th Street and "K" Street property. The proposed project site is located at the northeast corner of the Home Avenue and Federal Boulevard, currently occupied by the Police Department K-9/SWAT facility within the Fairmount Park neighborhood of the City Heights Community Planning Area.

The 28,000 square foot Vehicle Maintenance Facility (VMF) would be constructed on the west side of the existing pistol range, along with a fuel station, oil lubrication site, and vehicle wash bay. The VMF would include administrative offices, vehicle service, storage space and surface parking spaces. To accommodate the VMF building, the existing K-9/SWAT facilities would be relocated to vacant land to the east of the pistol range and north of Federal Boulevard. No modifications to the pistol range are proposed as a part of this project. This project has been coordinated extensively with the community during development of the bridging documents, receiving unanimous support and includes sidewalk improvements, landscaping in accordance with the Chollas Creek Enhancement Plan, a community meeting room, post construction Best Management Practices (BMP's) and public art. The landscaping and public art will also be coordinated with the community during design development. This project will be designed in accordance with the Standard Urban Storm Water Management Mitigation requirements and Americans with Disabilities Act/Title 24 regulations.

In accordance with Article 2, Division 33 of the Municipal Code, Sundt Construction, Inc., Southern California was selected as the successful Design Build Team (DBT). The proposed agreement with the DBT will provide the professional services required to prepare construction drawings, construct the Central Police Facility and provide all necessary environmental mitigation and monitoring during construction.

FISCAL IMPACT:

The total project cost is estimated at \$9,550,000 of which \$8,220,000 is for the Design-Build Contract and \$1,330,000 is for engineering and related costs. This project is phase funded.

Loveland/Belock/AO

Aud. Cert. 2400049

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-333: Chollas Creek Enhancement Program.

(City Heights Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-166)

Authorizing the City Auditor and Comptroller to transfer \$850,000 from CIP-35-082.0, Main Library (Fund No. 102216), to CIP-36-063.0, Police Garage

Relocation (Fund No. 102216);

Authorizing the City Manager to expend an amount not to exceed \$850,000 from CIP-36-063.0, Police Garage Relocation (Fund No. 102216), for acquisition of approximately six acres of undeveloped land located on Home Avenue at Menlo Street within the Chollas Creek Enhancement Program area (Property) from the Antoniades Family Trust and for related costs of acquisition;

Accepting the generous donation by the Antoniades Family Trust to the extent the appraised value exceeds the purchase price of \$800,000.

CITY MANAGER SUPPORTING INFORMATION:

This action requests authorization for the expenditure of \$850,000 from CIP-35-082.0 for the purchase of approximately 6 acres of land from the Antoniades Family Trust for inclusion within the Chollas Creek Enhancement Program. The subject property is located adjacent to the east side of Home Avenue and north of Fairmont Avenue in the Ridgeview/City Heights neighborhood of the Mid-City Community.

On May 14, 2002 the City adopted the "Chollas Creek Enhancement Program" whose vision includes maintaining the natural areas in an undisturbed fashion, promoting cohesive new development that integrates buildings, open space, and the creek into successful and useable areas for the community.

The overall goal of the Chollas Creek Enhancement Program is to restore the Creek to its natural state and create an attractive linear park open space trail system including educational/interpretive elements, public art and other amenities, that will ultimately link San Diego's central mesas to San Diego Bay. The Mid-City Communities Plan also identifies the preservation and enhancement of Chollas Creek as a linear open space system to provide passive recreational opportunities, visual relief and biological habitat preservation.

The acquisition of this property will not only contribute towards the vision of the program, but will provide approximately 2 acres of developable park land to a community already deficient in park area. The "Antoniades Property" consists of approximately 6 acres for which the City will pay \$800,000. If, and to the extent that, the value of the property exceeds the City's purchase expenditure, the Antoniades Family Trust intends to submit for a charitable contribution deduction. At the request of the Trustee of the Antoniades Family Trust, the City will provide the Trustee with the donee form required by the US Internal Revenue Service. Valuation of the property for charitable contribution purposes is solely the responsibility of the Antoniades Family Trust.

FISCAL IMPACT:

Funds in the amount of \$850,000 are available from CIP-35-082.0 for the acquisition of the referenced property.

Herring/Griffity/BLM

Aud. Cert. 2400096.

ADOPTION AGENDA, HEARINGS

NOTICED HEARING:

ITEM-334: Conditional Use Permit 2003-17 - Tailgate Park.

(See Centre City Development Corporation Report CCDC-02-17. Centre City Redevelopment Project Area. Districts-2 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-192)

Approving Conditional Use Permit 2003-17 for the Tailgate Park Surface Parking Lot, an approximately 1,040-space surface parking lot on the four blocks bounded by 12th and Imperial Avenues and K and 14th Streets in the East Village District of the Centre City Community Plan Area.

NOTE: See Item 335 on today's docket for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-335: Two actions related to Inviting Bids and Award of Contract for Tailgate Park and the D1/D2 Surface Parking Lots.

(Centre City Redevelopment Project Area. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-178)

Approving the plans and specifications for the construction of Tailgate Park and the D1/D2 Surface Parking Lots (Project) on Work Order No. 392281;

Authorizing the City Manager, after advertising for bids in accordance with law, to

award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,711,006, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$3,711,006 from Ballpark Infrastructure, CIP-39-228.1, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2004-179)

Stating for the record that the information contained in the FSEIR, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of Tailgate Park and D1/D2 Surface Parking Lots;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

Tailgate Park and the D1/D2 Surface Parking Lots is a part of the City's Ballpark Infrastructure Project. This action involves the construction of two surface parking lots, Tailgate Park and D1/D2 Surface Lots.

This work was originally anticipated to be performed by the DCM (Sverdrup Civil Inc.) concurrently with other work. It was determined that it is more cost effective to perform this work separately, now that the bulk of Sverdrup's other responsibilities are complete. Savings from the DCM contract have been released and are available to fund this expense.

Tailgate Park, a surface parking lot, includes grading, asphalt paving, landscaping, sidewalk repairs, storm drains, irrigation, street lights, fencing, a trellis, and street signal modifications. The lot will extend from "K" Street to Imperial Avenue between 12th Avenue and 14th Street.

Tailgate Park will provide 1,048 parking spaces.

The D1/D2 surface lot includes grading, asphalt paving, landscaping, sidewalk repairs, storm drains, irrigation, and fencing. The lot will extend from 11th Avenue to Park Boulevard south of

Imperial Avenue.

The D1/D2 lot will provide 443 parking spaces.

There are several redevelopment efforts underway in the East Village area of downtown. Parking is critical to this redevelopment and is prescribed in the Final Subsequent Environmental Impact Report for the Ballpark and Ancillary Development Projects. In order to provide the public convenience to the redevelopment project and comply with the Environmental Impact Report, it is necessary to continue with the surface parking lot construction.

Currently, demolition is about to begin as a separate project on the remaining two blocks of Tailgate Park with structures remaining.

FISCAL IMPACT:

\$3,711,006 will be funded through Fund 30244 for the construction of Tailgate Park and D1/D2 Surface Lots. These are not new monies, but are funds that were originally allocated as part of the DCM contract, subsequently released, and are now available for this purpose.

Herring/MCW

NOTE: See Item 334 on today's docket for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-336: Fourth Ballpark and Redevelopment Project Implementation Agreement Regarding the East Village Square Development.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-188)

Authorizing the execution of the Fourth Ballpark and Redevelopment Project Implementation Agreement between the City of San Diego, the San Diego Padres, the Redevelopment Agency of the City of San Diego, and the Centre City Development Corporation regarding the East Village Square development, and the rights and obligations of the parties to the Memorandum of Understanding for the project.

NOTE: See the Redevelopment Agency Agenda of 8/5/2003 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT